S.B. CIVIL WRIT PETITION NO.2839/2007

Date of order : 26.9.2007.

HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Shri Sunil Kumar Singodiya for the petitioner.
Shri HV Nandwana Dy.GA for the State.
Shri Virendra Lodha for the respondents.

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This writ petition has been filed by the petitioner with the prayer that the draft award dated 19.3.2007 may be modified to the extent of awarding compensation to the petitoners and the compensation should be awarded to him by taking into consideration the fact that the land has been converted for commercial purpose and the value of the land should be determined

accordingly. The land acquisition officer however has erred in awarding compensation taking the nature of the land as residential.

Remedy for such a grievance is to be found in Section 18 of the Land Acquisition Act, 1894 which inter alia provides that any person interested who has not accepted the award may, by written application to the Collector, require that the matter be referred by the Collector for the determination of the Court, whether his objection be to the measurement of the land, the amount of the compensation, the person to whom it is payable, or the apportionment of the compensation among the persons interested.

Appropriate course for the petitioner therefore would be to apply to the land acquisition officer for making reference under Section 18 of the Act of 1894 to the civil court. If such an application is made by the petitioner within four weeks from now, the land acquisition officer shall pass appropriate order for making the reference to the civil court.

With these observations, the writ petition is disposed of.

(MOHAMMAD RAFIQ), J.

Skant/-